Manitoba

MANITOBA'S SUSTAINABLE DEVELOPMENT PROCUREMENT GUIDELINES

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The public sector, through its internal operations and procurement, has an integral role in promoting and implementing sustainable development in society. In support of this goal, Manitoba is committed to promoting and incorporating the Principles and Guidelines of Sustainable Development into all facets of government activity.

A. Definitions

"Economy" means the global system of managing resources and of producing, distributing and consuming goods, materials and services.

"Environment" includes air, land, water, flora and fauna.

"Environmentally Preferable Products" means goods and materials that have a less adverse impact on human health and the environment when compared with competing goods and materials. This comparison shall consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, and waste management of the good or material.

"Environmentally Preferable Services" means services that have a more beneficial or less adverse impact on human health and the environment when compared with competing services.

"Full-cost Accounting" means accounting for the economic, environmental, land use, human health, social and heritage costs and benefits of a particular decision or action to ensure no costs associated with the decision or action, including externalised costs, are left unaccounted for.

"Health" means the condition of being sound in body, mind, and spirit.

"Practicable" means sufficient in performance and available at a reasonable price.

"Procurement" includes the purchase, lease, rental, use or disposal of goods, materials, facilities and services, including the acquisition of goods, materials, facilities and services by construction, renovation or otherwise.

"Reasonable Price" means the price for a good, material or service which one is willing to pay.

"Recycled Products" are goods or materials manufactured with waste goods or materials that have been recovered or diverted from the waste stream.

"Sustainability" means the capacity of a thing, action, activity or process to be maintained indefinitely in a manner consistent with Manitoba's Principles and Guidelines of Sustainable Development.

"Sustainable Development" means meeting the needs of the present without compromising the ability of future generations to meet their own needs.

"Toxic Substance" means a substance whose quantity, concentration or the conditions under which it is managed poses an elevated risk to the environment or human health.

B. Sustainable Development Procurement Policy

Procurement of all goods, materials or services shall be consistent with Manitoba's Principles and Guidelines of Sustainable Development (Schedule A) and other government procurement policies, legislative requirements and trade agreements. The Government of Manitoba recognizes that the purchasing decisions that its employees make can have an impact on the sustainability of the province's communities and environment. Accordingly, this means that purchases shall be based on:

(a) careful consideration of the good's, material's or service's impact on the environment, economy, and human health and well-being;

(b) consideration of market factors, such as specifications, quality, delivery date, and price of the good, material or service; and

(c) preference being given to the purchase of environmentally preferable goods and materials whenever they perform satisfactorily and are available at a reasonable price.

C. Sustainable Development Procurement Guidelines

The following sustainable development procurement guidelines apply to the Government of Manitoba and shall be considered in any procurement.

1. **Protecting Human Health and Well-being-** which means
   (a) anticipating, preventing and mitigating significant adverse economic, environmental, human health and social effects of purchasing decisions;
   (b) where practicable, requiring the purchase of substitute or alternative goods, materials or services in place of goods or materials that contain, or services that use, toxic substances or are otherwise harmful to the environment or human health;
   (c) ensuring that toxic substances are managed properly to protect the environment and human health; and
   (d) ensuring those goods, materials and services that may otherwise pose an elevated risk to human health, safety and the environment are managed properly.

2. **Promoting Environmentally Sustainable Economic Development** - which means
   (a) purchasing decisions should consider the aspirations, needs and views of the people of the various regions and ethnic groups in Manitoba, including Aboriginal peoples, to facilitate equitable management of Manitoba's common resources;
   (b) recognising economic, ecological and social interdependence among communities, provinces and nations that requires the integration of economic, environmental, human health and social factors in purchasing decisions; and
   (c) purchasing decisions may assist in the development of local environmental industries and markets for environmentally preferable products and environmentally preferable services.

3. **Conserving resources** - which means
   (a) evaluating and reducing the need to purchase goods, materials and services;
   (b) purchasing goods, materials and services that use recycled products;
   (c) purchasing goods and materials with structures that require less material to manufacture;
   (d) purchasing goods and materials that require less packaging; and
   (e) reusing, recycling and recovering goods and materials.

4. **Conserving energy** - which means
   (a) purchasing goods, materials and services where the consumption of energy (electricity and fossil fuels) during production, transportation, usage and delivery is minimised;
   (b) purchasing goods, materials and services where renewable forms of energy are substituted during production, transportation, usage and delivery for non-renewable forms of energy; and
   (c) purchasing and using goods, materials and services that have or use a structure that facilitate energy efficiency and resource conservation.

5. **Promoting pollution prevention, waste reduction and diversion** - which means
   (a) purchasing goods and materials that are easy to recycle;
   (b) purchasing goods and materials with structures that facilitates disassembly for processing, recycling and waste management;
   (c) purchasing goods and materials with packed with recycled products or materials that are recyclable;
   (d) purchasing goods and materials with a manufacturing process that avoids the creation of waste and pollutants at source;
   (e) purchasing goods and materials that are used or remanufactured;
   (f) purchasing goods, materials and services that are suitable alternatives or substitutes;
   (g) purchasing services that minimise adverse environmental impacts;
   (h) purchasing goods and materials that have greater durability and longer life-span; and
   (i) using goods and materials in a manner that minimises adverse environmental impacts.

6. **Evaluating value, performance and need** - which means
   (a) purchasing goods, materials and services that perform adequately and are available at a reasonable price with careful consideration of full-cost accounting;
   (b) purchasing goods, materials and services that comply with recognised environmental standards;
   (c) evaluating and reducing the need to purchase goods, materials and services; and
   (d) evaluating the appropriate scale and utilisation of a good, material or service.

D. Procurement Guidelines to be Integrated into Manuals and Procedures

To meet the intent of these guidelines, Manitoba shall:

(a) integrate the Sustainable Development Procurement Guidelines into manuals and procedures to support the purchase of goods, materials and services that minimises any potential negative environmental, economic and social impacts of government activities;

(b) establish any other specific requirements and procedures for the purchase of goods, materials and services consistent with the Principles and Guidelines of Sustainable Development and government procurement regulations;

(c) consistent with Section 15 of *The Sustainable Development Act*, consult with local authorities, school divisions, universities, colleges, regional health authorities (RHA) and, where no RHA's exist, hospitals to adopt and integrate, by regulation, procurement guidelines into their manuals and procedures.

(d) establish a list of Environmentally Preferable Products and Environmentally Preferable Services and evaluate and purchase them whenever the evaluation is favourable. A preliminary listing of products and services is attached (Schedule C). This list shall be reviewed and if desired, an order of priority for the acquisition of such products or services may be established.

E. Corporate Procurement Initiative to Support Sustainable Development Procurement Guideline Implementation

A government-wide Procurement Council has been established to address procurement-related initiatives, policies, and guidelines. The Council has established a Committee for Sustainable Development Procurement Guideline Implementation. This committee will be comprised of:

Co-Chairs:

- Procurement Services (Manitoba Highways and Government Services)
- Pollution Prevention (Manitoba Conservation)

Members:

- Manitoba Highways and Government Services
- Manitoba Conservation
- Manitoba Finance
- Treasury Board
- Information Resources Division

Other departments and agencies may serve on the implementation committee as required.

The role of this Committee shall be to prepare an implementation plan that:

- establishes specific objectives;
- identifies specific measures and initiatives;
- includes appropriate timeframes;
- identifies adequate resources; and
- provides for sufficient staff education and training

Specifically, the implementation plan shall:

1. provide and maintain an updated inventory of all government procurement and waste management activity;
2. identify lead and supporting responsibilities for required actions;
3. define precise target dates;
4. determine, identify and assign the resources (staffing and financial, if required) necessary to complete the actions;
5. determine and establish criteria for effective performance;
6. define requirements for progress reporting;
7. establish a system for monitoring and evaluating implementation to ensure performance;
8. establish a process for adjusting actions, objectives and performance standards to reflect experience; and
9. establish a communication strategy for government, vendor community and public.

F. Sustainable Development Procurement Goals and Organizational Action Plans

To meet *The Sustainable Development Act* requirements for Procurement Goals and Organisational Action Plans:

(a) the Sustainable Development Procurement Guidelines Implementation Committee shall, within six months of this policy and guideline being adopted by Cabinet, recommend Sustainable Development Procurement Goals for Cabinet approval; and

(b) each department, within six months following the above noted goa's being approved by Cabinet, establish Organisational Action Plans that measure and report on progress toward adjusting government purchasing behaviour to favour products, services and activities that minimise adverse impacts on the environment, economy, human health and well-being.

G. Guideline Review and Amendment

The Manitoba Sustainable Development Procurement Guidelines will be regularly reviewed and amended to adapt to changing needs, circumstances and conditions. The review process will require:

- *Continuous Review* - The Implementation Committee will consider emerging issues and initiatives, and recommend policy and guideline changes where appropriate.

- *Annual Progress Report* – Departments will annually produce a written report on Procurement Guideline implementation that is made public through their annual reports to the Manitoba Legislature.

- *Five-Year Review* – within five years from the adoption of the Manitoba Sustainable Development Procurement Guidelines, Manitoba will undertake a comprehensive review of the guidelines, goals and action plans.

H. Responsibilities

1. Responsibilities of Procurement Services Branch, Department of Highways and Government Services

Procurement Services Branch shall be responsible for

(a) co-ordinating the implementation of this procurement policy respecting the purchase, lease, rental, use or disposal of goods, materials, services and facilities;

(b) developing and maintaining information about Environmentally Preferable Products and recycled products containing the maximum practicable amount of recycled products, and about Environmentally Preferable Services to be purchased by Manitoba whenever possible. Information shall be developed and maintained for those products and services listed in Schedule C. Procurement Services Branch may modify this list (Schedule C) as needed;

(c) informing departments of their responsibilities under this procurement policy;

(d) providing departments with information about Sustainable Development Procurement related opportunities;

(e) developing reporting procedures with departments; and

(f) co-chairing the Sustainable Development Procurement Guidelines Implementation Committee, as referenced in section E.

2. Responsibilities of Pollution Prevention Branch, Department of Conservation

Pollution Prevention Branch shall be responsible for

(a) co-ordinating the ongoing implementation of this policy respecting pollution prevention, waste reduction, resource conservation and environmental protection strategies;

(b) assembling an annual report on the status of implementation by each department to Cabinet; and

(c) co-chairing the Sustainable Development Procurement Guidelines Implementation Committee, as referenced in section E.

3. Responsibilities of All Departments

Each Manitoba Department shall be responsible for

(a) developing Organisational Action Plans to meet Sustainable Development Procurement Goals;

(b) purchasing goods, materials and services in accordance with specific requirements and procedures for the purchase of products and services consistent with Sustainable Development Procurement Guidelines, government procurement regulations, policies and trade agreements;

(c) evaluating, with other Manitoba users, each product or service listed in Schedule C to determine the extent to which it may be practicably used by the department;

(d) meeting, as required, with Procurement Services Branch to report on the progress of policy implementation, including:

i. the results of product evaluations or practices;

ii. the status of efforts to maximise environmental purchasing; and

iii. total purchases of Environmentally Preferable Products and Environmentally Preferable Services.

(e) annually producing a written report on sustainable development procurement policy and guideline implementation that is made public through their annual reports to the Manitoba Legislature;

(f) where appropriate, consulting with product suppliers and service providers prior to establishing specific requirements and procedures for the purchase of goods, materials and services; and

(g) consistent with Section 15 of *The Sustainable Development Act*, where appropriate, consulting with local authorities, school divisions, universities, colleges, regional health authorities (RHA) and, where no RHA's exist, hospitals to adopt and integrate, by regulation, procurement guidelines into their manuals and procedures

SCHEDULE A

Principles of Sustainable Development

Integration of Environmental and Economic Decisions
1(1) Economic decisions should adequately reflect environmental, human health and social effects.
1(2) Environmental and health initiatives should adequately take into account economic, human health and social consequences.

Stewardship
2(1) The economy, the environment, human health and social well being should be managed for the equal benefit of present and future generations.
2(2) Manitobans are caretakers of the economy, the environment, human health and social well being for the benefit of present and future generations.
2(3) Today's decisions are to be balanced with tomorrow's effects.

Shared Responsibility and Understanding
3(1) Manitobans should acknowledge responsibility for sustaining the economy, the environment, human health and social well-being, with each being accountable for decisions and actions in a spirit of partnership and open cooperation.
3(2) Manitobans share a common economic, physical and social environment.
3(3) Manitobans should understand and respect differing economic and social views, values, traditions and aspirations.
3(4) Manitobans should consider the aspirations, needs and views of the people of the various geographical regions and ethnic groups in Manitoba, including aboriginal peoples, to facilitate equitable management of Manitoba's common resources.

Prevention
4 Manitobans should anticipate, and prevent or mitigate, significant adverse economic, environmental, human health and social effects of decisions and actions, having particular careful regard to decisions whose impacts are not entirely certain but which, on reasonable and well-informed grounds, appear to pose serious threats to the economy, the environment, human health and social well-being.

Conservation and Enhancement
5 Manitobans should
(a)maintain the ecological processes, biological diversity and life-support systems of the environment;
(b)harvest renewable resources on a sustainable yield basis;
(c)make wise and efficient use of renewable and non-renewable resources; and
(d)enhance the long-term productive capability, quality and capacity of natural ecosystems.

Rehabilitation and Reclamation
6 Manitobans should
(a)endeavour to repair damage to or degradation of the environment; and
(b)consider the need for rehabilitation and reclamation in future decisions and actions.

Global Responsibility
7 Manitobans should think globally when acting locally, recognizing that there is economic, ecological and social interdependence among provinces and nations, and working cooperatively, within Canada and internationally, to integrate economic, environmental, human health and social factors in decision-making while developing comprehensive and equitable solutions to problems.

Guidelines for Sustainable Development

1 Efficient Use of Resources - which means
(a)encouraging and facilitating development and application of systems for proper resource pricing, demand management and resource allocation together with incentives to encourage efficient use of resources; and
(b)employing full-cost accounting to provide better information for decision makers.

2 Public Participation - which means
(a)establishing forums, which encourage and provide opportunity for consultation and meaningful participation in decision making processes by Manitobans;
(b)endeavouring to provide due process, prior notification and appropriate and timely redress for those adversely affected by decisions and actions; and
(c)striving to achieve consensus amongst citizens with regard to decisions affecting them.

3 Access to Information - which means
(a)encouraging and facilitating the improvement and refinement of economic, environmental, human health and social information; and
(b)promoting the opportunity for equal and timely access to information by all Manitobans.

4 Integrated Decision Making and Planning
which means encouraging and facilitating decision making and planning processes that are efficient, timely, accountable and cross-sectoral and which incorporate an inter-generational perspective of future needs and consequences.

5 Waste Minimization and Substitution - which means
(a)encouraging and promoting the development and use of substitutes for scarce resources where such substitutes are both environmentally sound and economically viable; and
(b)reducing, reusing, recycling and recovering the products of society.

6 Research and Innovation
which means encouraging and assisting the researching, development, application and sharing of knowledge and technologies which further our economic, environmental, human health and social well-being.

SCHEDULE B

Sustainable Development Act Requirements

Report to include progress re procurement

10(2) A Provincial Sustainability Report prepared four years or more after the establishment of procurement goals under sub-clause 12(2)(a)(ii) shall include a government-wide procurement progress report which evaluates and reports on each department's progress toward meeting the goals.

Procurement Guidelines

12(2) Cabinet shall

(a) within two years after the coming into force of this Act
   (i) establish sustainable development procurement guidelines, and cause those guidelines to be integrated into provincial procurement manuals and procedures, and
   (ii) establish provincial sustainable development procurement goals, and require that organizational action plans be created to meet those goals; and

(b) require a review of the procurement guidelines and action plans within five years after their establishment or creation and at regular intervals of not more than five years after the initial review.

Consultation with departments

12(3) The financial management and procurement guidelines shall be developed in consultation with departments.

Crown Corporations to adopt guidelines

14 Each Crown corporation and provincial public sector organization, except a department, shall within two years after the establishment of financial management guidelines and procurement guidelines under subsections 12(1) and (2),

(a) prepare and adopt financial management and procurement guidelines consistent with the intent of the guidelines established under those subsection;
(b) integrate those guidelines into its financial management and procurement manuals and procedures;
(c) establish procurement goals in support of the established provincial goals, and prepare an action plan to meet its established goals;
(d) require a review of the guidelines and goals within five years after their establishment and at regular intervals of not more than five years after the initial review; and
(e) integrate into its annual reporting process and requirements, information respecting progress made in implementing sustainable development practices in its activities and operations.

Guidelines for local authorities and others

15 The Lieutenant Governor in Council shall, within five years after the coming into force of this Act, and in consultation with local authorities, school divisions, universities, colleges, regional health authorities and, in any parts of the province where no regional health authorities exist, hospitals, adopt by regulation

(a) financial management guidelines for evaluating the sustainability of programs and activities; and
(b) procurement guidelines;

to be integrated into the financial management and procurement manuals and procedures of those local authorities, school divisions, universities, colleges, regional health authorities and hospitals.

SCHEDULE C

Preliminary Environmentally Preferable Products List

A. Recycled paper and paper products;

B. Remanufactured laser printer toner cartridges;

C. Re-refined antifreeze;

D. Re-refined lubricating and hydraulic oils;

E. Recycled plastic Outdoor-wood substitutes;

F. Re-crushed cement concrete aggregate and asphalt;

G. Cement and asphalt concrete;

H. Remanufactured tires and products made from recycled tire rubber;

I. Compost;

J. Paint that is re-manufactured, recycled, low VOC, low toxicity, non-oil based;

K. Cleaning products with lowered toxicity;

L. Energy saving products;

M. Waste-reduced products;

N. Water-saving products;

O. Products and materials that are environmentally more suitable alternatives or substitutes, e.g. ethanol, renewable energy sources;

P. Alternate fuel and fuel efficient vehicles; and

Q. Other products designated by Procurement Services Branch.

Preliminary Environmentally Preferable Services List

To be prepared by Sustainable Development Procurement Guidelines Implementation Committee.